

Victoria-Joy Godwin  
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Las Vegas, NV 89148  
(702) 443-7792

UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF NEVADA

Case # 2:17cv02178 MMD-CWH

Victoria-Joy Godwin,  
Plaintiff

vs.

Senior Garden Apartments,  
Russell Ricciardelli, Steven Ramirez;  
Edward D Kania; David F. Brown  
Mary Alice Ricciardelli, Ricciardelli  
Family Trust; Eric R. Newmark; and  
DOES 5-10,

Defendants

JURY TRIAL REQUESTED

**SECOND AMENDED  
COMPLAINT FOR:**

- (1) SEXUAL HARASSMENT  
QUID PRO QUO
  - (2) SEXUAL HARASSMENT  
HOSTILE ENVIRONMENT
  - (3) DISCRIMINATION
  - (4) INTENTIONAL INFLICTION  
OF EMOTIONAL DISTRESS
  - (5) NEGLIGENT INFLICTION  
OF EMOTIONAL DISTRESS
  - (6) SLANDER  
and for
  - (7) CIVIL RIGHTS VIOLATIONS
1. 42 USC 1983 (Free Speech)
  2. 42 USC 1983 (Illegal Seizure)\_
  3. 42 USC 1983 (Due Process)
  4. 42 USC 1983 (Equal Protection)
  5. Nevada Constitution Article 1 §8(5)
  6. Nevada Revised Statutes §118 et seq.

Plaintiff amends in order to comply with the mandate to raise all claims within one action; Plaintiff certifies the additional claims are warranted under existing law. Plaintiff amends the complaint pursuant to Federal Rule of Civil Procedure (FRCP) Rule 15a which permits amending until such time as a responsive pleading is filed, and, in order to preserve the Court's resources. This Court granted Plaintiff leave to amend which Plaintiff did via the First Amended Complaint; however, after a review of the research conducted by the United States Department of Housing and Development (HUD), Plaintiff realized that necessary parties were alluded to but not identified,

1 and herein corrects that defect. Additionally, in lieu of a bothersome 'supplemental  
 2 pleading' pursuant to FRCP Rule #15(d), Plaintiff incorporated acts which occurred  
 3 after the date of the original pleading, but inadvertently omitted identifying them in  
 4 the caption and the causes cited in the First Amended Complaint. Plaintiff  
 5 apologizes for this oversight, promises the Court to use more caution in the future and  
 6 prays that the Court has not yet reviewed the First Amended Complaint and/or  
 7 approved  
 8 it and forwarded it to the Marshal for service. Since the First Amended Complaint was  
 9 filed only one week ago, and the original pleading was not reviewed for seven months,  
 10 Plaintiff seeks reciprocal grace for overlooking the protocols required to comply with the  
 11 Court's gracious leave to amend which included incorporating documents submitted for  
 12 Judicial Notice into the facts of this case and into the caption and causes portions. The  
 13 leave to amend alerted Plaintiff to the seriousness of the Constitutional violations.

14 Hence, Plaintiff also complains of deprivation of and conspiracy to deprive  
 15 Plaintiff of federally protected rights hereinafter enumerated in specificity, and for  
 16 intentional and negligent infliction of emotional distress, and defamation.

### 17 VENUE AND JURISDICTION

18 1. This Court has been given jurisdiction over the actions cited herein under the  
 19 United States Fair Housing Act, 42 United States Code (USC) notably two sections  
 20 delineated as QUID PRO QUO, and HOSTILE ENVIRONMENT, which comport with  
 21 the anti-discrimination tenets that prohibit denying housing on the basis of sex specified  
 22 at USC 3601-3619. Additionally, this Court has jurisdiction  
 23 pursuant to Title 28 U.S.C. §§1331 and 1343(3) in that the  
 24 controversies arise under the United States Constitution and under  
 25 42 U.S.C. §1983 and 1985 and 28 U.S.C. §§2201 and 2202 in  
 particular, the First, Fourth, Fifth, and Fourteenth Amendments.  
 Plaintiff further invokes the supplemental jurisdiction of this Court

1 under 28 U.S.C. §1367(a) to hear and adjudicate state law claims.

2 Each and all of the acts (or threats of acts) alleged herein were

3 done by defendants, or their officers, agents, and employees,

4 under color and pretense of the statutes, ordinances, regulations,

5 customs, and usages of the State of Nevada. Because this is a

6 civil action valued in excess of \$75,000, Plaintiff also invokes

7 28 USC §1332 to provide this Court with additional jurisdiction, and venue is established

8 at 28 USC §1391(b)(1) as all Defendants

9 reside in the same district.

10  
11 **PARTIES**

12 2. Plaintiff is and at all times of the discrimination based on sexual harassment, was  
13 and is a natural woman living in the State of Nevada, and, as a handicapped person  
14 under the American Disability Act and is entitled to live free from harassment, sexual  
15 demands, grooming by a predator, and discrimination via hostile environment.

16 Plaintiff is also entitled to equal protection under the law where officers of the State  
17 Court, in whom the public reposes their trust, are involved.

18 3. Defendant, Senior Garden Apartments, 1809 and 1813 E. Charleston Blvd., Las  
19 Vegas, Nevada, 89104, is a housing provider which Plaintiff believes and alleges is  
20 authorized under Nevada State law to provide living quarters suitable for habitation free  
21 from sexual harassment, quid pro quo sexual demands, and, hostile environment and  
22 retaliation for reporting said offenses.

23 4. Defendant, Russell Ricciardelli, last known address 9154 White Rock Peak Street,  
24 Las Vegas, NV 89113, is a citizen of the United States and a lawful resident of the State  
25 of Nevada, and the owner of the properties listed above at all times during the 20

1 months the offenses were committed, and, Plaintiff believes and alleges, has the duty  
2 and responsibility to ensure that the property is a safe living quarter for all races, sexes,  
3 and handicapped peoples.

4 5. Defendant, Steven Ramirez, is and at all times of the offenses cited herein,  
5 Plaintiff believes and alleges, is a legal resident of the State of Nevada and a citizen of  
6 the United States, and a resident and/or manager of the Senior Garden Apartments, at  
7 1813 E. Charleston Blvd., #8, Las Vegas, NV 89104, having been entrusted with carrying  
8 out the duties as prescribed by co-defendant, Ricciardelli, including adhering to the laws  
9 of the State of Nevada and the United States of America as they pertain to ensuring the  
10 health and safety of the tenants.

11 6. DOE #1 had been identified as Edward D. Kania, whose office is at 501 S. 6<sup>th</sup>  
12 Street, Las Vegas, NV 89101, who is and at all times of the offenses cited herein, was a  
13 legal resident of the State of Nevada and a citizen of the United States, having taken a  
14 sworn oath to uphold the Constitution of the United States and the State of Nevada via  
15 the Nevada State Bar Association, and is thereby authorized to ensure that justice  
16 prevails in the courtrooms of Clark County, Nevada.

17 7. Doe #2 is identified as David F. Brown, whose last known work place was  
18 Clark County Justice Center, 200 Lewis Street, Las Vegas, NV 89101, who is and at all  
19 times of the offenses cited herein, was a legal resident of the State of Nevada and a  
20 citizen of the United States having taken a sworn oath to uphold the Constitution of the  
21 United States and the State of Nevada via the Nevada State Bar Association, and is  
22 thereby authorized to ensure that justice prevails in the courtrooms of Clark County,  
23 Nevada in a ministerial capacity, i.e., lacking judicial immunity.

24 8. Doe #3 has been identified as Mary Alice Ricciardelli, last known address 9154  
25 White Rock Peak Street, Las Vegas, NV 89113, whom Plaintiff believes and alleges is a

1 resident of the State of Nevada and a citizen of the United States, as the lawful spouse  
2 of Defendant Russell Ricciardelli, and co-trustee of the Trust which, according to the  
3 investigation conducted by the United States Department of Housing and Urban  
4 Development, administers Defendant Senior Garden Apartments;

5 9. Doe #4 has been identified as the Ricciardelli Family Trust, last known address  
6 9154 White Rock Peak Street, Las Vegas, NV 89113, holder and administrator of Senior  
7 Garden Apartments via Quit Claim Deed #20160914-0001962 identified in the Clark  
8 County Recorder's records as "lots 17 and 18 of Lawrence Love Tract, Book 3 of Plats,  
9 Page 9 in the Office of the County Recorder, Clark County, Nevada.

10 10. Doe #5 has been identified as Eric R. Newmark, whose office is located at  
11 Karsaz Law Firm, 6276 S. Rainbow Blvd. Suite 120, Las Vegas, NV 89118 who is and at all  
12 times of the offenses cited herein, was a legal resident of the State of Nevada and a  
13 citizen of the United States, having taken a sworn oath to uphold the Constitution of the  
14 United States and the State of Nevada via the Nevada State Bar Association, and is  
15 thereby authorized to ensure that justice prevails in the courtrooms of Clark County,  
16 Nevada

### 17 FACTS

18 Plaintiff alleges as follows:

19 11. The events described herein all occurred in Clark County, Nevada, and fall under  
20 the Fair Housing Act of the United States;

21 12. Beginning on or about January 7, AD2016, Plaintiff lived as a neighbor (at first)  
22 then as a tenant subject to the constant sexual harassment of Defendant Ramirez  
23 once Ramirez became building manager approximately two months later;

24 13. The sexual harassment, including innuendoes that Plaintiff was Ramirez's wife,  
25 that Ramirez "didn't have to do that for you":and that Plaintiff was 'cheating' on

1 Ramirez when Plaintiff spoke to another man on the property or cooked for the  
2 then-handyman Les, who was widowed just 3 days before Plaintiff moved in,  
3 grabbing Plaintiff and pulling Plaintiff's body into his after demanding 'payment  
4 of a hug' for opening a difficult-to-open jar, to pointing to his cheek for a kiss  
5 after assisting with another task which Plaintiff was unable to complete  
6 unassisted, to rejecting food items as "That's not what I want from you", which  
7 continued through the filing of this complaint via the progression from Quid Pro  
8 Quo to the Hostile Environment until Defendant Russell Ricciardelli, Defendant  
9 Mary Alice Ricciardelli, and Defendant Senior Garden Apartments hired  
10 Defendants KANIA, NEWMARK, and Newmark to influence Defendant Brown  
11 and other judges to silence Plaintiff and seize Plaintiff's property rights;

12  
13 14. During the months from January 2016 through May 2016, the harassment became  
14 unbearable, as Plaintiff realized the 'grooming' of Plaintiff involved Ramirez  
15 driving Plaintiff, who is partially blind and does not drive, to run errands, for  
16 which Plaintiff showed gratitude by sharing home-cooked meals and baked goods  
17 with Defendant Ramirez, until Ramirez began refusing the offerings saying that  
18 "that's not what I want" or "I don't want that from you", and repeatedly inquired,  
19 upon entering Plaintiff's apartment for a repair "Are you decent? I hope not" or  
20 refusing to permit Plaintiff to watch a presidential debate at Ramirez's apartment  
21 unless Plaintiff agreed that Ramirez could "run around naked" while Plaintiff was  
22 in Ramirez's apartment;;  
23  
24  
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1 15. Plaintiff became aware that the maintenance man Les (and thereafter Billy) were  
2 told by Ramirez to not repair anything for Plaintiff, but to tell Plaintiff that  
3 Plaintiff had to "go through" Ramirez if she wanted anything repaired;

4 16. When Plaintiff became aware that the transportation to and from errands ceased  
5 because Plaintiff was not cooperating with the invitations to have sex, Plaintiff  
6 tried responses other than playing along or joking, and attempted a more serious  
7 approach to let Ramirez know his advances were unwanted but that Plaintiff could  
8 still be 'friends' by shunting Ramirez's attempts to make Plaintiff feel guilt with  
9 texts saying that if Ramirez treated his then-girlfriend Michelle as if she had  
10 something above her neck, Ramirez might be able to undo his complaint "she  
11 doesn't want to be with me." Plaintiff did not feel sorry that Michelle did not  
12 want to be with Ramirez, but tried showing Ramirez that the two had nothing in  
13 common, which fell on deaf ears, as Ramirez began suggesting that each time  
14 Plaintiff came to his apartment to bring baked goods or a meal, or wanted to  
15 watch a TV program, or even look at the new TV Ramirez installed, or his new  
16 curtains, Ramirez would be running around naked  
17

18 17. In late May, Plaintiff was awakened at 2:30 a.m. by Ramirez's voice leaving  
19 Gloria's apartment which was directly across the narrow 4-foot sidewalk from  
20 Plaintiff's window, and Plaintiff realized that Ramirez's advances were not  
21 playful and had the potential for danger.

22 18. A few days later, Plaintiff asked Defendant R. Ricciardelli if he could find  
23 Plaintiff another apartment in the building next door (1809), as Les was still the  
24 handyman and Plaintiff's door would not be close to Ramirez's and Ramirez  
25

1 might forget about her, especially if the incident at Gloria's at 2:30 in the morning  
2 meant Ramirez found a willing partner and/or had convinced Michelle to "be with  
3 him"

4 19. On June 1, AD2016, Plaintiff moved to the building next door;

5 20. While Plaintiff walked with Ricciardelli and Ramirez to the new apartment,

6 Ricciardelli demanded that Plaintiff return the space heater because it belonged to  
7 Ricciardelli, to which Plaintiff responded "The heater is in the apartment. I knew  
8 it was yours and I didn't take it. I don't take what's not mine." Ricciardelli  
9 glanced at Ramirez who shrugged and said "Where did you leave it?" to which  
10 Plaintiff replied "It's near the shower" and heard Ramirez state "I didn't look  
11 there" which convinced Plaintiff Ramirez was attempting to smear Plaintiff in  
12 Ricciardelli's eyes because the apartment was a one-room studio with all areas  
13 visible from the center of the room.  
14

15 21. The new apartment needed some repairs, but Ramirez would not let Les do them  
16 unless Ramirez was around, and when Plaintiff complained that the things that  
17 needed addressed were not taken care of and asked Ramirez why, Ramirez  
18 retorted "well, you left my harem." Plaintiff was not looking for an enemy so  
19 chose this time (somewhere between June 2 and June 10) to make a special visit  
20 to Ramirez in his office where Plaintiff played the 'religion' card, informing  
21 Ramirez that Plaintiff, in 1993, took a vow of chastity in church, prior to  
22 beginning her missionary post, to remain chaste until she were married, and  
23 Ramirez's response was to toss a one-inch metal washer that Plaintiff had found  
24 on the floor and placed on the desk prior to sitting down, saying "Here's the ring."  
25



1 22. After Les left as handyman and Ken failed to repair a drawer correctly, Billy (not  
2 a party) assumed the role of maintenance man and became friends with Plaintiff  
3 to the point where Billy would do small tasks for Plaintiff, who had fallen on July  
4 5, AD2016, and was now a home-bound patient with limited use of her knees and  
5 hands to add to her woes of partial blindness. Billy ran small errands for Plaintiff,  
6 and Plaintiff made him a dinner once, and apparently Billy informed Ramirez of  
7 that and was told by Ramirez that Billy was not to do any repairs for Plaintiff.  
8 Billy also informed Ricciardelli that Marsha was complaining that Ramirez was  
9 "hitting on her" all the time, and Ramirez told Defendant Ricciardelli that Billy  
10 was the one 'hitting' on Marsha and got Billy fired;

11 23. Plaintiff elicited the assistance of her social worker, who telephoned Ramirez on  
12 numerous occasions, citing the reports from Plaintiff's caretakers who complained  
13 of black smoke billowing from the oven, all of which received the same response  
14 from Ramirez, that Plaintiff's oven was dirty, leading plaintiff to contact the  
15 County Health Inspector who was prohibited from making any determinations  
16 regarding oven operations beyond whether or not it turned on; Ramirez informed  
17 Defendant R. Ricciardelli that the Inspector told Ramirez the oven was dirty and  
18 that's why it was smoking, which was a blatant lie;

19 24. Ramirez then blamed Plaintiff for oven knobs melting but when Plaintiff  
20 requested the operator's manual from Ricciardelli, in order to discover if the door  
21 should be left open a crack when Plaintiff broiled, Ricciardelli refused the request.  
22

23 25. Each time Plaintiff sent her social worker or nurse or caretaker to Ramirez with a  
24 problem Ramirez stayed just this side of 'legal' with the response "I'm working  
25

1 on it", eliminating Plaintiff's right to withhold rent for non-repair of a necessary  
2 item such as air conditioner or oven;

3 26. On March 3, aD2017 Plaintiff's social worker took Plaintiff to the police  
4 department to file a complaint after the one she mailed to them was returned with  
5 the message Plaintiff needed to file in person. Plaintiff was informed that there  
6 was no proof that the failure to repair was retaliatory for Plaintiff's not sleeping  
7 with Ramirez;

8 27. Plaintiff sent her caretaker to complain about the oven continuing to smoke and  
9 set off the fire alarm and Ramirez told her he was "working on it" or that Plaintiff  
10 'broke it' or 'did something to it to break it';

11 28. Plaintiff has since learned via two emails from the County Health Department the  
12 so-called 'Inspector' was never sent by Clark County and whoever appeared there  
13 was an imposter;

14 29. From that point forward, Ramirez harassed Plaintiff with mixed messages that  
15 suggested repairs were being withheld until such time as Plaintiff succumbed to  
16 the unwanted advances, including but not limited to: air conditioner not being  
17 repaired through the entire long, hot summer of 2016 and into 2017; Ramirez  
18 telling Plaintiff she looked "hot" even though Plaintiff attempted to suggest  
19 Ramirez use the word 'younger'; Plaintiff's oven going unusable during the  
20 Thanksgiving holiday, the Christmas holiday, until Easter of 2017; Ramirez  
21 removing the mesh Ramirez had installed to deter pigeons from roosting on  
22 Plaintiff's awning without consulting Plaintiff until Plaintiff took photos of the  
23 feces, straw, and feathers at her doorstep and complaining to Defendant  
24  
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1 Ricciardelli that the problem was escalating, but Ricciardelli was silent as to why  
2 the mesh which had been effective for several months, had surreptitiously been  
3 removed; removing the dimmer switch from Plaintiff's wall; reversing the wiring  
4 in the bathroom switches and blaming Plaintiff for overloading the circuit then  
5 refusing to restore the wires because Ramirez was "working my second job until  
6 midnight" in order to compel Plaintiff to live in the dark all evening, except that  
7 Plaintiff DID demand that Ricciardelli insist that Ramirez leave his second job  
8 and fix it; Ramirez breaking another kitchen drawer, replacing the ceiling fan  
9 which Plaintiff did not find malfunctioning but merely needed tightening, but  
10 which 'story' enable Ramirez to tell Ricciardelli that Plaintiff unnecessarily  
11 demanded a new fan to create an unnecessary expense; Ramirez leaving the old  
12 fan parts and the new fan parts in the middle of the floor compelling Plaintiff and  
13 her nurse to trip over them for 4-5 days while Ramirez lied that the 'new fan was  
14 defective and he was going to have to return it but couldn't get to it right away,  
15 causing Plaintiff and her nurse to stumble due to lack of space; Ramirez and  
16 Ricciardelli ignoring letters from Plaintiff's occupational therapist, physical  
17 therapist, caretaker, nurse, and social worker regarding the excessive temperature  
18 of the apartment for over 15 months; sending Plaintiff a text that Ramirez's A/C  
19 unit was doing the same thing Plaintiff's was doing but the only way Plaintiff  
20 would get a new unit was if hers died (Plaintiff, believing it unethical to 'help' the  
21 A/C unit 'die' would not stoop so low as to tamper with the unit, hoping the  
22 letters would induce Ramirez and Ricciardelli to act honorably, but instead they  
23 sent a 'fake' inspector to pretend Plaintiff was the fault; Ramirez went out that  
24  
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1 very night and bought himself a new unit without asking Plaintiff if she  
2 wanted/needed one in spite of the fact that the text clearly stated Ramirez's A/C  
3 wasn't yet completely dead; calling Plaintiff "full of sh\*\*" and telling Plaintiff to  
4 "kiss my arse" in front of Plaintiff's caretaker (who was appalled at such behavior  
5 from a repairman/building manager); Ramirez texting Plaintiff that "Michelle  
6 didn't want to be with me" so Plaintiff was 'free' to be his girlfriend; Ramirez  
7 texting Plaintiff that Plaintiff would have to agree to allow Ramirez to "run  
8 around naked" if Plaintiff would be permitted to watch the presidential debates at  
9 Ramirez's house; warning Plaintiff to not look in Ramirez's windows because he  
10 was always 'running around naked'; and, finally, sending Plaintiff a note that if  
11 the oven knob melted once more time Plaintiff would have to pay to replace and  
12 install it, in spite of the fact that (a) other tenants were not threatened with paying  
13 for such trivial items and (b) Defendant Ricciardelli bought the same exact knob  
14 that melted the first time instead of using common sense and purchasing a more  
15 sturdy one or repairing the oven and refusing to provide the operating manual to  
16 Plaintiff;  
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18 30. Plaintiff heard Billy Hernandez, another handyman (not a party) comment that  
19 another tenant, Marsha, complained that Ramirez constantly 'hit on her' and that  
20 Ramirez said things in front of Donald (another tenant not a party) and R.  
21 Ricciardelli which "were so vile that I (Hernandez) cannot repeat them" leading  
22 Plaintiff to believe that Ramirez besmirched Plaintiff to Ricciardelli and other  
23 tenants to drive Plaintiff out;  
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1 31. On April 10, AD2017, Plaintiff wrote all of the incidents of sexual harassment  
2 perpetrated by Ramirez in a letter to Defendant Ricciardelli, and handed it to her  
3 social worker to drop in the mail after he dropped her off at a medical  
4 appointment for therapy because of the stress of living without A/C and the  
5 continual harassment of Ramirez and the apparent indifference of Ricciardelli.  
6 When Plaintiff returned to the property, both Defendants were outside in the  
7 parking lot and Defendant Ricciardelli called Plaintiff over and informed Plaintiff  
8 that Plaintiff was to go to Ramirez with any questions, requests, or complaints and  
9 Plaintiff agreed, realizing there was no sense trying to squelch Ramirez's gloating  
10 by saying that a letter had just been put in the mail when Ricciardelli emphatically  
11 had just turned a deaf ear;

12 32. On or about April 14, AD2017, Plaintiff insisted on speaking with Ricciardelli  
13 about (A) the response to the letter enumerating the sexual harassment, and (B)  
14 the removal of the mesh and the oven and Ramirez texted Plaintiff that  
15 Ricciardelli would be on the property that day and if Plaintiff wanted to see him  
16 to come to the office;

17 33. At approximately 10 a.m., Plaintiff met with Ricciardelli whose first words were  
18 "Steven made some mistakes, but we're all friends here and there's no need to  
19 mail anything to my house. We're all adults here and there's no need for  
20 mediation or courts. We can always talk things out", establishing a pattern and  
21 practice of turning a deaf ear to women who complain about Ricciardelli's  
22 abusive 'man-servant', showing Plaintiff that Plaintiff had no remedy except at  
23 the hands of Ramirez, which meant giving in to the unwanted advances because  
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1 Ramirez now had ALL the power over Plaintiff and even after Ricciardelli READ  
2 the full litany of egregious acts, didn't care one whit for Plaintiff's plight, making  
3 Plaintiff seriously consider whether Ricciardelli would reap the benefits Ramirez  
4 might solicit for them both;

5 34. On July 12, AD2017, a short time after Plaintiff requested to view the owner's  
6 manual for the oven, Defendant Ricciardelli had Plaintiff served with a NO  
7 CAUSE eviction notice;

8 35. On July 13, AD2017, Plaintiff filed a complaint with HUD in the San Francisco  
9 office and, Plaintiff was interviewed on or about July 27, AD2017, when an  
10 investigator telephoned Plaintiff for an interview which lasted one hour and  
11 fifteen minutes, during which time, Laura Uribe informed Plaintiff that Plaintiff  
12 would receive a letter informing Plaintiff of the decision to deny the claim or a  
13 complaint for Plaintiff to sign and return;

14 36. On August 4, AD 2017, Ramirez texted Plaintiff asking if Plaintiff intended to  
15 bring the rent over that morning, which raised Plaintiff's suspicions that Ramirez  
16 might steal the money since it was not due as Plaintiff was technically 'kicked  
17 out', but which causing such emotional stress waiting for the 'knock on the door',  
18 that Plaintiff has elected to act outside the bureaucracy since Plaintiff could not  
19 afford an eviction on her record, as it is difficult enough to try to move while  
20 handicapped and without the funds to pay first and last month's rent since  
21 Defendants have given no indication what will become of the cleaning deposit  
22 Plaintiff left in Ricciardelli's possession.  
23  
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1 37. Plaintiff filed an answer using the court-approved Answer Form and checked the  
2 option which selected 'Retaliation' as a defense to the 'No Cause' complaint;

3 38. Hearing Master David F. Brown (Doe defendant #2) set a hearing for September  
4 1, AD2017 and acknowledged this federal action by holding up the complaint  
5 Plaintiff filed into the record to demonstrate that facts WERE in dispute. Brown  
6 commented to Ricciardelli, also present, that "These are serious allegations if  
7 true." Ricciardelli, unwitting admitted there were facts in dispute by shouting  
8 "They're all lies" which was itself a lie since Ricciardelli was not present 24/7 to  
9 know what transpired and had no personal knowledge of acts Ramirez committed  
10 in secret;

11 39. Brown ruled denying the summary eviction which adhered to the limited  
12 jurisdiction of the court in that Brown's only authority was to determine if facts  
13 were in dispute. Ricciardelli railed at the adverse ruling and cried out "Then I'm  
14 going to sue her for failure to pay rent" to which Brown asked "Did you ask her  
15 for rent?" and Ricciardelli stated "No. I just want her out." After spreading  
16 negative slurs and complaining that Ricciardelli knew Brown to be a judge who  
17 wouldn't make a landlord keep a tenant the landlord didn't want, Ricciardelli  
18 asked for a different ruling. Brown asked "Where is your witness Ramirez and  
19 where is the report from the County Health Inspector you said proved she is lying  
20 about the repair of the air conditioner being her fault?" Ricciardelli shrugged his  
21 shoulders and admitted he did not have Ramirez with him and the 'report' was "at  
22 home."  
23  
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1 40. Ricciardelli telegraphed he was going to file another suit, this time for failure to  
2 pay rent. Brown, for an unknown reason, inaccurately told Ricciardelli  
3 "Retaliation is not a defense to the non-payment of rent claim." This was  
4 inaccurate on two counts, which Brown knew or should have known because (a)  
5 the legislature did provide retaliation as an option to the non-payment of rent  
6 issue, and (b) the Nevada Supreme Court precluded a second filing on the same  
7 claim, as well as the same issue. Brown did not notify Ricciardelli that the second  
8 action could not be filed in this court, although Brown did inform Ricciardelli  
9 "you can file an action in a formal eviction court."

10 41. Brown eventually, for some unknown reason, capitulated to Ricciardelli's  
11 whining, and set a hearing for September 29, AD2017 and directed Ricciardelli to  
12 bring Ramirez and the report from the health inspector, in spite of Brown  
13 knowing the best Ricciardelli could do was firmly establish a controversy existed  
14 because Ramirez would create a 'he-said/she said' scenario, and a report saying  
15 Plaintiff did not know how to use the oven and the A/C was not malfunctioning  
16 would be contradicted by the evidence of Plaintiff's federal complaint and the five  
17 letters from Plaintiff's health care professionals who had personal knowledge that  
18 the A/C was not working.

19  
20 42. On September 2, AD2017, Plaintiff mailed a certified 'Habitability Notice' to  
21 Ricciardelli, stating that the premises were uninhabitable on three grounds: (a)  
22 malfunctioning air conditioner, unusable oven, and, hostile environment, which  
23 authorized the lawful withholding of rent until habitability was restored;  
24  
25



1 43. On or about September 6, AD2017, Plaintiff was served with a 'Notice to Pay  
2 Rent or Quit;'

3 44. Plaintiff spotted the name Edward Kania as an attorney representing Ricciardelli  
4 in the second action, which Plaintiff noted because Plaintiff is informed and  
5 believes that Ricciardelli handled all of his evictions himself;

6 45. Plaintiff answered using the court-approved Answer Form and found the same  
7 'Retaliation' option included. Plaintiff selected the option and this time included  
8 a copy of the complaint HUD initiated as evidence that facts were in dispute.  
9 Plaintiff cautioned Brown that Ricciardelli was attempting an end-around of the  
10 adverse ruling (Plaintiff did not yet learn of *Five Star Capital v. Ruby* the NV  
11 Supreme Court case delineating the specifications regarding both claim and issue  
12 preclusion) and requested three times in the Answer to consolidate the hearing  
13 with the hearing Brown set on September 1<sup>st</sup> to allow Ricciardelli to reverse the  
14 denial of the summary eviction. Brown set a hearing for September 21 which  
15 turned out to be the first day of a holy observance for Plaintiff. Plaintiff received  
16 the hearing notice on September 19, AD2017 and the same day filed a Motion for  
17 a Continuance along with another document titled "Inability to Attend Hearing."  
18 Twice more Plaintiff moved for a consolidation of the hearings, clearly specifying  
19 in both filings that the hearing be conducted on the 29<sup>th</sup> day of September since  
20 the issues and the claims were the same between the same two parties [the only  
21 issue Brown could entertain was 'are there facts in dispute' and the only issue  
22 Plaintiff could raise was 'There are facts in dispute.']] and the same evidence  
23 produced would apply, thereby avoiding duplication of court resources as well as  
24  
25

1 check-mating the attempt to circumvent the duty to produce Ramirez and the  
2 health inspector's report on the 29th.

3 46. On September 27, AD2018, Plaintiff was putting the final touches on a  
4 declaratory judgment action in the Clark County District Court seeking a  
5 determination as to Ricciardelli's interpretation of the law regarding hostile  
6 environment being an element requiring correction before rent was due, since it  
7 appeared to Plaintiff that no legislature could compel a tenant to pay rent for  
8 being abused. Plaintiff was disrupted by a suspicious movement at her door.  
9 Plaintiff found a 24-hours notice to vacate based on an order Brown issued on  
10 September 25, AD2017 at a hearing Brown conducted without noticing Plaintiff;

11 47. On September 27, AD2017. Plaintiff filed the declaratory judgment and a rough  
12 request for injunctive relief, as well as a motion to set aside the judgment based  
13 on denial of due process for lack of notice of the hearing;  
14

15 48. On September 28, AD1917, Plaintiff, a 75-year old partially blind, physically  
16 handicapped elderly woman was forcibly evicted and compelled to live without  
17 her medical aids, in several 'group' homes over the next thirty days where  
18 Plaintiff was subjected to further abuse by drug addicts, racially prejudiced  
19 owners who charged outrageous rents, and without cooking utensils or  
20 transportation to find outside food sources;

21 49. On September 29, AD2017, Plaintiff appeared for the hearing set for the 29<sup>th</sup>  
22 before Brown and heard Brown reaffirm his September 1<sup>st</sup> ruling, denying  
23 Ricciardelli summary eviction;  
24  
25

1 50. On September 29, AD2017, Plaintiff asked Brown where to obtain a record of  
2 what occurred on September 25, or if Brown had it available, and Brown  
3 mumbled that Plaintiff could find the record in the Clerk's Office. Plaintiff  
4 discovered the following with the help of a deputy clerk named Michael Johnson  
5 (not a party) (a) Brown stepped down off the bench and acted like a litigant to the  
6 detriment of Plaintiff by altering Plaintiff's motion for a continuance from the  
7 date Plaintiff's motion specified, i.e., September 29<sup>th</sup> to September 25<sup>th</sup>; (b)  
8 Brown falsified the court order Brown filed into the record by misnaming the  
9 motion for a continuance, a motion for telephonic appearance, misleading  
10 Plaintiff to think another party sought the motion; (c) Brown falsified a court  
11 document Brown filed into the record by using the words "the motion as filed  
12 herein" for the motion Brown allegedly 'approved' when no such motion exists  
13 anywhere in the file which sought a continuance to the 25<sup>th</sup> of September; (d)  
14 Brown knowingly exceeded his restricted jurisdiction in his ministerial capacity  
15 authorized only to determine whether or not facts were in dispute and refer  
16 matters where facts were in dispute to the formal eviction process, usurping  
17 powers not delegated to Brown but reserved for judicial officers; (e) agreed to  
18 hear a second action Brown, an eviction specialist, knew was precluded by the  
19 2009 Nevada Supreme Court ruling *Five Star Capital v Ruby* and Brown came  
20 onto the bench after that date; and (f) Brown did not send Plaintiff a notice of the  
21 hearing date so Plaintiff could appear, as reflected by the record in both summary  
22 eviction actions where notices to appear were sent according to the law and due  
23  
24  
25

1 process mandates, establishing Brown as a willing participant to conduct a  
2 'secret' hearing as in the old days of the Star Chambers;

3 51. After perusing the court record, Plaintiff noticed Edward Kania was listed in this  
4 second action as attorney of record who was present with Ricciardelli at the  
5 unnoticed hearing conducted by Brown;

6 52. Edward Kania is a learned attorney authorized by the State Bar Association to  
7 handle legal matters (specialty: evictions) who stood by and watched and/or  
8 assisted Brown and Ricciardelli, without objection and/or insistence that  
9 adherence to the law be honored, by (a) allowing Brown to step down off the  
10 bench and act like a litigant to the detriment of Plaintiff by altering Plaintiff's  
11 motion for a continuance from the date Plaintiff's motion specified, i.e.,  
12 September 29<sup>th</sup> to September 25<sup>th</sup> since Kania was attorney of record and had  
13 access to every document Plaintiff mailed to Kania's client, Ricciardelli; (b)  
14 condoning Brown's falsification of the court order Brown filed into the record by  
15 misnaming the motion for a continuance, a motion for telephonic appearance,  
16 misleading Plaintiff to think another party sought the motion, and Kania's client,  
17 Ricciardelli was the only other party to the action; (c) permitting Brown to falsify  
18 a court document Brown filed into the record by using the words "the motion as  
19 filed herein" for the motion Brown allegedly 'approved' when no such motion  
20 exists anywhere in the file seeking a continuance to the 25<sup>th</sup> of September, and  
21 Kania knew Kania never filed such a document on behalf of Kania's client,  
22 Ricciardelli; (d) observing Brown exceed Brown's restricted jurisdiction in his  
23 ministerial capacity authorized only to determine whether or not facts were in  
24  
25

1 dispute and refer matters where facts were in dispute to the formal eviction  
2 process, usurping powers not delegated to Brown who is not a judicial officer and  
3 Kania, who is not permitted in his role to look the other way when an injustice is  
4 done, is an officer of the court, and (e) accepted the fact that neither Kania nor  
5 Brown sent Plaintiff a notice of the hearing date so Plaintiff could appear, as  
6 reflected by the record in both summary eviction actions where notices to appear  
7 were sent according to the law and due process mandates, establishing Brown and  
8 Kania as willing participants to conduct a 'secret' hearing as in the old days of the  
9 Star Chambers;

10 53. On or about October 9, AD2017, Plaintiff IFP status for the appeal of the  
11 summary eviction was approved. The ruling denied the appeal but remanded the  
12 matter back to Brown's court for further proceedings.

13 54. Plaintiff, unsure as to whose court the ball was in, made two attempts to prompt  
14 the further proceedings, the first by seeking disqualification of Brown or in the  
15 alternative a voluntary recusal by Brown, and the second, a Motion for Summary  
16 Judgment for Plaintiff on the grounds that the only other way a summary eviction  
17 could go would be to have it reversed in Plaintiff's favor. By this time, Plaintiff  
18 had discovered the *Five Star v Ruby* case demonstrating Ricciardelli and his  
19 attorney, Kania, had no valid judgment due to the preclusionary rule, regardless of  
20 whether Plaintiff appeared or not, since, as the Nevada Supreme Court found, the  
21 action was null and void *ab initio*. Brown denied both motions before the ink was  
22 dry and Kania remained silent to the motions, in effect, consenting to the actions  
23 of Brown who ruled without an objection or protest from Kania.  
24  
25

1 55. Plaintiff then pursued the injunctive relief and the declaratory judgment actions,  
2 only to discover Kania deceived both judges with arguments in a Motion for  
3 Summary Judgment that shocks the conscience since it silenced Plaintiff and  
4 obstructed Plaintiff's due process hearing: (a) Kania somehow convinced two  
5 District Court judges that the injunctive relief and the DJ actions were filed as an  
6 appeal of the appeal, notwithstanding the fact that Plaintiff was not unhappy with  
7 the remand, believing Plaintiff would get the due process hearing Plaintiff was  
8 denied through the lack of notice, an argument Kania knew or should have known  
9 was absurd on its face since September comes before October on every calendar  
10 on the face of the Earth and even Ricciardelli could have told him that; and, (b)  
11 Kania proclaimed repeatedly that Brown's ruling for summary eviction was  
12 UPHELD in spite of the fact that both Brown and Kania know remand does not  
13 mean upheld and that further proceedings were required;  
14

15 56. Kania's deliberate misrepresentations to both courts caused Plaintiff to lose to  
16 Kania's summary judgment motions, and both of those matters are currently on  
17 appeal to the Nevada Supreme Court based upon that court's *Five Star* ruling;

18 57. The wily manner Kania used to influence yet another judges was to 'employ'  
19 Defendant Newmark to spread the absurd arguments to the judge in the  
20 declaratory judgment action, evidenced by the fact that the Motion for Summary  
21 Judgment which Kania used in the injunctive relief action was used word for  
22 word by Newmark in the declaratory judgment, notwithstanding that both KANIA  
23 and NEWMARK knew the preventing a party from 'speaking' in an injunctive  
24 relief and declaratory judgment action is obstruction of Plaintiff's right to petition  
25

1 for redress, speak freely without having to defend against ridiculous arguments  
 2 that the October appellate ruling prompted Plaintiff to file her September actions,  
 3 were attempts to enforce a void judgment which illegally seized Plaintiff's  
 4 property rights, and, denied Plaintiff due process in a court of law.

5 58. Newmark's latest act to deprive Plaintiff of due process came from the Clark  
 6 County Sheriff's Civil Division in the form of an affidavit of non-service, dated  
 7 March 19, AD2018, wherein Newmark, an attorney representing a client and  
 8 bound by oath to conduct a fair and impartial defense which includes protecting  
 9 the rights of all parties under the laws of the State, refused service of Plaintiff's  
 10 legal service. The Sheriff's comments on the document demonstrate the  
 11 deliberate attempt to thwart Plaintiff's due process rights in that the Sheriff wrote:  
 12 "Spoke to Lacy Shamblin, legal assistant (on March 16) who consulted with  
 13 someone via phone while I was there, who told her not to accept the papers."  
 14

### 15 CAUSES OF ACTION

#### 16 FIRST CAUSE OF ACTION

17 (by Plaintiff for Sexual Harassment - Quid Pro Quo)

18 59. Plaintiff incorporates herein by reference all of the above allegations in  
 19 paragraphs 1 through 58 as if fully set forth at this point;

20 60. The sexual harassment that extended over a period of 20 months is the  
 21 proximate cause of harm to Plaintiff by Defendants Ramirez, Ricciardelli, and  
 22 Senior Garden Apartments by knowingly allowing such conduct when there is a  
 23 duty to prevent the unlawful and harmful acts that resulted in injury to the  
 24  
 25

1 Plaintiff under the Quid Pro Quo tenet of the Fair Housing Act, through the  
2 intentional infliction of emotional distress and discrimination on the basis of sex;  
3 61. The wrongful conduct as herein alleged of Defendants, and all of them who  
4 allowed the enforcement of a void judgment which covertly 'condoned' the  
5 violation of State laws prohibiting retaliatory evictions for reporting sexual  
6 harassment, was malicious, oppressive, and fraudulent in nature; Defendants  
7 engaged in the acts either directly or through indifference and neglect, all the  
8 way through the attempt to evict Plaintiff to cover up their scheme of inducing  
9 women to the property to be a part of a 'harem'. Each engaged in the harmful  
10 conduct with the intent to cause harm to the Plaintiff with a conscious disregard  
11 for Plaintiff's rights or religious beliefs, subjecting Plaintiff to cruel and unjust  
12 hardship. Ramirez acted with an evil and fraudulent motive, fully condoned by  
13 Ricciardelli and his two attorneys, KANIA, NEWMARK, and Newmark, as well as  
14 his wife who looked the other way, and the Trust who failed to protect the  
15 property Senior Garden Apartments within its protection, both with the intent to  
16 vex, injure, annoy, and strip Plaintiff of her rights and with the conscious  
17 disregard for the law mandating habitable living quarters regardless of sex.  
18 Defendants' actions and/or failure to act were despicable, reprehensible, and in  
19 blatant violation of the law regarding providing habitable premises as are  
20 provided to other tenants who never miss a rent payment, acting with extreme  
21 indifference to Plaintiff's right to petition the landlord for remedy directly,  
22 entitling Plaintiff to an award of punitive and exemplary damages from  
23 Defendants.

24 **SECOND CAUSE OF ACTION**

25 (by Plaintiff for Sexual Harassment - Hostile Environment)



1       62. Plaintiff incorporates herein by reference all of the above allegations in  
2       paragraphs 1 through 61 as if fully set at this point;

3       63. The sexual harassment element invoking the hostile environment element  
4       extended over a period of 18 months is the proximate cause of harm to Plaintiff  
5       by Defendants Ramirez, Ricciardelli, and Senior Garden Apartments by knowingly  
6       allowing and encouraging such conduct when there is a duty to prevent the  
7       unlawful and harmful acts that resulted in injury to the Plaintiff under the Fair  
8       Housing Act, through the intentional infliction of emotional distress and  
9       discrimination on the basis of sex;

10      64. The wrongful conduct as herein alleged of Defendants, and all of them, was  
11      malicious, oppressive, and fraudulent in nature; Defendants engaged in the acts  
12      either directly or through indifference and neglect, all the way through the  
13      attempt to evict Plaintiff and use the legal system to cover up their scheme of  
14      inducing women to the property to be a part of a 'harem'. Each engaged in the  
15      harmful conduct with the intent to cause harm to the Plaintiff with a conscious  
16      disregard for Plaintiff's rights to be treated as all other tenants who seek repairs,  
17      particularly when it involves air conditioning in 100+ degree temperatures,  
18      health care professionals insisting that Plaintiff's living situation is unbearable,  
19      and subjecting caretakers employed by the State Medicaid agency also being  
20      subjected to excessive heat in the apartment, thick black smoke from a faulty  
21      oven, improperly cooked foods, and extra work to clean or cook to make up for  
22      the deficiencies, subjecting Plaintiff to cruel and unjust hardship. Ramirez acted  
23      with an evil and fraudulent motive, fully condoned by both Ricciardellis and their  
24      Trust who engaged attorneys to pervert the justice system through lies and  
25      misrepresentations, both with the intent to vex, injure, annoy, and strip Plaintiff

1 of her rights and with the conscious disregard for the law mandating habitable  
2 living quarters regardless of sex. Defendants' actions and/or failure to act were  
3 despicable, reprehensible, and in blatant violation of the law regarding providing  
4 habitable premises as are provided to other tenants who never miss a rent  
5 payment, acting with extreme indifference to Plaintiff's right to petition the  
6 landlord for remedy directly, and total disregard for Plaintiff's rights to property  
7 being safe from illegal seizure under color of law, Plaintiff's First and Fifth and  
8 Fourteenth Amendment rights to due process, speaking out for redress to HUD,  
9 and equal protection under the law, entitling Plaintiff to an award of punitive  
10 and exemplary damages from Defendants.

11 **THIRD CAUSE OF ACTION**

12 (by Plaintiff for Discrimination)

13 65. Plaintiff incorporates herein by reference all of the above allegations in  
14 paragraphs 1 through 64 as if fully set forth at this point;

15 66. The sexual harassment element invoking discrimination extended over a period  
16 of 26 months is the proximate cause of harm to Plaintiff by Defendants Ramirez,  
17 both Ricciardellis and their Trust, and Senior Garden Apartments, along with the  
18 two attorneys, KANIA and NEWMARK, who influenced and/or covered up the  
19 criminal acts of Defendant Brown by knowingly allowing and encouraging such  
20 conduct when there is a duty to prevent the unlawful and harmful acts that  
21 resulted in injury to the Plaintiff under the Fair Housing Act, through the  
22 intentional infliction of emotional distress and discrimination on the basis of sex  
23 and Plaintiff's handicapped situation, when a different set of laws was applied in  
24 order to deprive Plaintiff of the right to speak out for redress, protect a lawful  
25

1 and legal property right from illegal seizure, denial of due process, and, equal  
2 protection under the law;

3 67. The wrongful conduct as herein alleged of Defendants Senior Gardens, Russell  
4 and Mary Alice Ricciardelli, Steven Ramirez, Edward Kania, David Brown and Eric  
5 Newmark was malicious, oppressive, and fraudulent in nature; Defendants  
6 engaged in the acts either directly or through indifference and neglect, all the  
7 way through the attempt to evict Plaintiff to cover up their scheme of inducing  
8 women to the property to be a part of a 'harem'. Each engaged in the harmful  
9 conduct with the intent to cause harm to the Plaintiff with a conscious disregard  
10 for Plaintiff's rights to be treated as all other tenants who seek the peaceful  
11 enjoyment of their homes and ask for reasonable repairs, particularly when it  
12 involves air conditioning in 100+ degree temperatures for months on end, health  
13 care professionals insisting that Plaintiff's living situation is unbearable, and  
14 subjecting caretakers employed by the State Medicaid agency also being  
15 subjected to excessive heat in the apartment, thick black smoke from a faulty  
16 oven, improperly cooked foods, and extra work to clean or cook to make up for  
17 the deficiencies, subjecting Plaintiff to cruel and unjust hardship. Ramirez acted  
18 with an evil and fraudulent motive, fully condoned by Ricciardelli, both with the  
19 intent to vex, injure, annoy, and strip Plaintiff of her rights and with the  
20 conscious disregard for the law mandating habitable living quarters regardless of  
21 sex. Defendants' actions and/or failure to act were despicable, reprehensible,  
22 and in blatant violation of the law regarding discrimination, as evidenced by the  
23 refusal to evict other tenants who "went off their meds" causing major  
24 disruptions and property damage, who brought children or pets onto the  
25 property contrary to the rules, and/or who sold drugs, threatened others with

1 murder and/or sent gang members to intimidate Plaintiff by bashing in her door  
2 with a heavy object, and covering up for such intimidating behavior when  
3 Plaintiff attempted county mediation get involved. To throw Plaintiff out under a  
4 NO CAUSE eviction is a fraud and discriminatory because Plaintiff would not  
5 sleep with the building manager. Plaintiff has no idea the degree of involvement  
6 Defendant Ricciardelli would assume if Plaintiff HAD agreed to exchange sexual  
7 favors for repairs, but to lead the NO CAUSE eviction charge suggests something  
8 despicable either way since Ricciardelli never once accused Plaintiff of violating  
9 the lease or the house rules. Defendants acted with extreme indifference to  
10 Plaintiff's right to petition the landlord for remedy directly, entitling Plaintiff to  
11 an award of punitive and exemplary damages from Defendants.

12 68. Said wrongful conduct was further exacerbated by Ricciardelli when Ricciardelli,  
13 an experienced landlord competent in conducting evictions without an attorney,  
14 hired an attorney for this particular action against Plaintiff for the sole purpose  
15 of defeating the law prohibiting illegal seizure of property rights, receiving due  
16 process, speaking out for redress, and, equal protection under the law. It is  
17 discriminatory to abuse the courts against one believed to be so handicapped  
18 that she (Plaintiff) would not know how to respond but would merely accept the  
19 wrongful eviction unjustly obtained by fraud and deceit perpetuated and  
20 perpetuated by Defendants Brown, Kania, and Newmark. It is discriminatory to  
21 apply a different set of standards to a party presumed to be as mentally  
22 handicapped as physically handicapped, and Ricciardelli, KANIA, NEWMARK, and  
23 Brown knew the law (via the *Five Star v Ruby* Nevada Supreme Court case)  
24 prohibited using a second action against Plaintiff. In addition, it is discriminatory  
25 to influence a judge, whether it be Brown to alter the date in Plaintiff's motion

1 as if Brown were a litigant or someone's attorney in the action, change the name  
2 of the motion to obfuscate which motion was granted, falsify a court record  
3 claiming the "motion as filed herein" was approved when no such motion exists,  
4 conduct an unnoticed hearing, rule on facts while in his ministerial capacity, and,  
5 refuse to obey the remand mandate from the appellate court, for want of due  
6 process is a factor in discrimination when it comes to the law and equal  
7 protection under the law. Here you have three Defendants who not only know  
8 the law, but are sworn officers of the court authorized by the State Bar  
9 Association notwithstanding the fact that one of them is in a ministerial and not  
10 a judicial capacity. It is discriminatory to abuse court process against one litigant  
11 in favor of another, violating State and U.S. Constitution prohibitions. It is  
12 discriminatory when a landlord finds two attorneys and a judge willing to  
13 circumvent the law by feigning a valid judgment when the action in which the  
14 judgment was based was an *ultra vires* act. Color of law against a layman,  
15 committed by three government agents is discriminatory and that betrayal of  
16 trust which Plaintiff suffered far exceeds the discrimination Ricciardelli  
17 demonstrated when throwing Plaintiff, a handicapped elderly woman, into the  
18 streets where predators took advantage of her financially by terrorizing her.  
19 Injustice in and of itself is discriminatory on its face, especially when it is  
20 perpetrated and perpetuated by officers of the court who violated the First,  
21 Fourth, Fifth, and Fourteenth Amendments to the Constitution, and the State  
22 Constitutional provisions on the same exact protected rights. It is the heart and  
23 soul of separate and not equal under the law. Collusion to conspire is  
24 discriminatory and when the court system is utilized, the discrimination is  
25 intolerable for even the Nevada Revised Statutes in Chapter 47 (specifically at

1 sections 47.240 and 47.250 reveal how conclusive presumptions and arguable  
 2 presumptions promote the fact that a court decision is presumed accurate and  
 3 to challenge it is difficult if not impossible. Ricciardelli knew the only way  
 4 Ricciardelli could prevail would be to pervert the justice system in a set up which,  
 5 by nature had to discriminate against a trusting believer in the honor of the  
 6 system, having taught honor and dishonor workshops around the world for 11  
 7 years. Plaintiff was discriminated against the minute Ricciardelli found Kania (an  
 8 attorney) and Brown (a hearing master) in ministerial capacity who had no  
 9 authority to rule when facts were in dispute, and later Newmark (an attorney) all  
 10 willing to proceed unlawfully because of Kania's silent acquiescence.

#### 11 **FOURTH CAUSE OF ACTION**

12 (by Plaintiff for intentional infliction of emotional distress by all Defendants)

13 69. Plaintiff incorporates herein by reference all of the above allegations in  
 14 paragraphs 1 through 68 as if fully set forth at this point;

15 70. The actions of all Defendants in sexual harassment on a quid pro quo basis, for  
 16 sexual harassment on a hostile environment basis, for discrimination in the  
 17 harassment, refusal to repair, and eviction, based on Plaintiff's sex, and for  
 18 intentional infliction of emotional distress, constitutes extreme and outrageous  
 19 conduct with the intention of causing or the reckless disregard of the probability  
 20 of causing emotional distress, especially when deliberately turning a deaf ear to  
 21 the horrendous suffering to which Plaintiff would be subjected whether 'giving  
 22 in' or not.

23 71. The conduct of Ramirez, Ricciardelli, Kania, and Newmark herein set forth was  
 24 odious, perverse and outrageous. Not only were the acts of sexual perversity  
 25 unwelcome by Plaintiff, but they were willful, wanton, reckless, intentional,

1 persistent and continuous during the 20+ months Plaintiff tried to rectify the  
2 problem, but they were condoned by R. Ricciardelli as mere 'mistakes.' The filing  
3 of dual lawsuits to evict Plaintiff without being heard, by R. Ricciardelli was also  
4 odious, perverse and outrageous, and were exacerbated by Kania and Newmark  
5 who, as officers of the court, understood the grievous effects perverting the  
6 truth and the law in a public record and to two judges in open court can have on  
7 a litigant who trusted the 'system' and its officers and spent eleven years trying  
8 to encourage people to trust the system.  
9

10 72. Ramirez's sexual advances, assaults upon of Plaintiff' person, and his constant  
11 blaming Plaintiff for the broken items and denying repairs of necessary items  
12 were extreme, intentional, and caused Plaintiff severe emotional distress. The  
13 filing of the second unlawful lawsuit and the cover-up of Ramirez's and  
14 Ricciardelli's abuse of the courts by Kania and Newmark defile the legal system  
15 both attorneys swore to uphold, making a mockery of their roles to protect  
16 justice for all and giving a bad name to those in the legal profession which  
17 Plaintiff cherished until these events demonstrated that the oath doesn't mean  
18 much to 'esquires' willing to take money to subvert the truth and the law.  
19

20 73. These actions were so outrageous in character, and extreme in degree, as to go  
21 beyond all possible bounds of decency, and to be regarded as atrocious and  
22 utterly intolerable in a civilized society, especially one which flourishes as a  
23 nation of laws.  
24  
25

1 74. Defendants inflicted egregious emotional distress on Plaintiff who experienced  
2 persistent anxiety each time Plaintiff heard KANIA and NEWMARK propound the  
3 preposterous theories antithetical to all good faith proceedings, including but  
4 not limited to such absurd notions as: (a) the October appellate decision was  
5 unfavorable to Plaintiff when a remanded action would have made up for the  
6 unnoticed hearing of which Defendants' actions deprived Plaintiff; (b) the  
7 appellate decision UPHELD Brown's ruling when the matter was REMANDED for  
8 further proceedings, a far cry from 'upheld,' which made trying to argue against  
9 an attorney (presumed believable over a layman) causing such emotional  
10 distress that Plaintiff loses her voice when attempting to talk about it, even  
11 choking up in court when the District Court judges bought the ridiculous  
12 argument and losing her voice completely during therapy sessions trying to get  
13 Plaintiff to discuss the unbelievably corrupt turn of events; and, (c) creating a  
14 level of anxiety because no one believes her over the 'learned attorneys' that the  
15 injunction and the DJ were filed in September and could not possibly have been  
16 an appeal of an appeal since the appeal did not manifest until October. Plaintiff  
17 is being treated now via homeopathic medicines for nightmares because the  
18 therapist said there was no technique to relieve bad dreams which Plaintiff has  
19 about Ricciardelli and Ramirez waiting in Plaintiff's bed for her to return home,  
20 causing Plaintiff to wake up in night sweats.

21 75. Because of Defendants acts or failures to act, Plaintiff suffers severe and  
22 enduring emotional distress which is caused by Defendants. The behaviors of  
23 Defendants are egregious and outrageous because Defendants abused positions  
24 of trust, that is of a landlord to whom rent was meticulously paid and his agent  
25 entrusted with the overall care of Plaintiff who had strict restrictions on who



1 Plaintiff could call for help, then enlisted parties whom Plaintiff had learned to  
2 trust to deliver justice, creating horrendous nightmares about pending sexual  
3 abuse and the inability to speak when prompted to discuss the betrayal of those  
4 attorneys authorized to work in the courtroom for the purpose of dispensing  
5 justice. This is the equivalent of Plaintiff's own country usurping powers over  
6 Plaintiff which is the equivalent of oppression. These acts were exacerbated  
7 when Ricciardelli insisted (1) that Plaintiff take every issue to Ramirez EVEN  
8 AFTER Ricciardelli KNEW OF PLAINTIFF'S PLIGHT, (2) there was no need for  
9 mediation or courts since "We're all adults here and can always talk things out,"  
10 (3) hiring two attorneys who are a specialists in evictions yet who willingly and  
11 knowingly perverted justice and their oaths of office for the benefit of their  
12 client, not the people of the state who expected KANIA, NEWMARK and Brown  
13 to play by the rules to obtain a FAIR outcome, not one pre-determined to favor  
14 Kania's and Newmark's client, especially since the entire judgment emanated  
15 from a second bite of the apple precluded by the State Supreme Court, which  
16 Brown and KANIA and NEWMARK defiled for profit and with the reckless  
17 disregard of Plaintiff's health and Constitutionally protected rights under the  
18 First, Fourth, Fifth, and Fourteenth Articles in Amendment. The acts of  
19 perverting justice by exceeding jurisdiction granted to Brown, altering a litigant's  
20 motion without permission or knowledge, conducting a 'secret' Star Chambers  
21 hearing, all are extreme and outrageous conduct designed to inflict emotional  
22 distress in the hopes Plaintiff would be frightened off. It is pathetic to think that  
23 grown men, one in a black robe, would consider assaulting the very rights each  
24 swore to uphold via a solemn oath of office. To be so betrayed causes an anxiety  
25 so deep Plaintiff must work through depression and thoughts of hopelessness

1 that sound exactly like the 'swamp' some legislators now speak of, for these men  
2 have desecrated Plaintiff's entire life's work, i.e., to teach people how to  
3 navigate the legal system which is their for their own good. Plaintiff is now  
4 eating her words from her workshops where she tried to convince people to  
5 trust the justice system. When the very foundation of one's life is thrown into a  
6 major upheaval, nightmares and night sweats are symptoms of a creeping  
7 depression that grows with each passing day for no one would listen to a  
8 layman. The degree of betrayal caused physical repercussions to Plaintiff as well  
9 as heightened fear and emotional stress, which Ricciardelli knew or should have  
10 known had to be the result of sending the hen back to the fox (Ramirez), and  
11 which Ricciardelli, Kania, Newmark, and Brown knew or should have know would  
12 cause such a sense of hopelessness and frustration in the foundations of society,  
13 ergo, justice for all, that Plaintiff would curl up and never be heard from again.  
14 The overwhelming sense of futility in fighting city hall because one man wears a  
15 black robe and the others have the title Esquire behind their names resulted in  
16 Plaintiff's seeking the liquid remedies from the homeopath so as to avoid  
17 depressing thoughts that Plaintiff's life's work (teaching that there is justice  
18 through honor) would not be a total sham. Ricciardelli knew Plaintiff was  
19 susceptible to harm because of Plaintiff's partial blindness, recent injuries to her  
20 legs and hands, and financial status, and passed this information on to KANIA.  
21 NEWMARK and Brown that Plaintiff was an easy mark, a patsy, a useless eater  
22 who would be driven away easily. Ricciardelli willingly and knowingly placed  
23 Plaintiff in the hands of an abuser, one whom Ricciardelli claimed "made some  
24 mistakes", while fully aware that Plaintiff cannot move easily, subjecting Plaintiff  
25 to a degree of stress that has major repercussions unless Plaintiff gives in to both

1 men. Then Ricciardelli placed Plaintiff in the hands of unscrupulous officers of  
2 the court whose actions will now finally have to face the scrutiny of the federal  
3 judiciary and a jury of their peers not so likely to 'buy' into the story that October  
4 comes before September or that 'remand' means 'upheld.'

5 76. To tell Plaintiff that Plaintiff has no other remedy other than through the hands  
6 of Ramirez, literally, is cruel and perhaps even vicariously satisfying to  
7 Ricciardelli, who is not so naïve as to think that the 2;30 a.m. sighting of Ramirez  
8 leaving Gloria's apartment, or Ramirez's 'hitting' on Marsha are innocuous  
9 anomalies and more 'mistakes.' To ask Plaintiff to accept the ruling of a second  
10 unauthorized action which resulted in a totally different ruling from one based  
11 on the same claim and same issue, is insulting and demeaning. Furthermore,  
12 Ricciardelli acted unreasonably and intentionally with the recognition that his  
13 acts and failure to cure were likely to result in Plaintiff's emotional distress,  
14 nightmares, night sweats, and inability to vocalize the horrendous events, even  
15 during therapy.

16 77. The wrongful conduct of Defendants as herein alleged was malicious and  
17 oppressive and fraudulent in nature, especially since the abuse of the legal  
18 system is not one most laymen can foresee. The shock that such audacity  
19 engenders, particularly in one so dedicated to espousing the wisdom and  
20 discernment of the Founding Forefathers in establishing a system with inherent  
21 checks and balances, was predictable and Defendants knew Plaintiff spent most  
22 of her adult life ensuring justice truly was 'for all.' Defendants, and all of them,  
23 engaged in the above-described wrongful acts with the full knowledge that  
24 harm, one way or the other, would come to Plaintiff who was anticipating a fair  
25 and equal playing field, while Defendants perverted the outcome with the

1 callous disregard for Plaintiff's rights. This clever end-around the laws and  
 2 Supreme Court of Nevada's clear opinion subjected Plaintiff to cruel and unjust  
 3 hardships ranging from engaging in avoidance tactics, soliciting assistance from  
 4 health care professionals, moving to another building, and tolerating the  
 5 intolerable living conditions from the lack of repairs of life-sustaining elements,  
 6 while living in a hostile environment, with the intent of deceiving Plaintiff and  
 7 causing Plaintiff injury, such as to constitute malice, fraud, and oppression.  
 8 Defendants acted with a fraudulent and evil motive and with the deliberate  
 9 intent to vex, injure, and annoy Plaintiff, and a conscious disregard of Plaintiff's  
 10 rights. Defendants' acts were despicable, reprehensible, and in blatant violation  
 11 of the law. There is nothing more deserving of shame than an officer of the  
 12 court abusing a litigant by perverting the laws he swore to uphold. Defendants  
 13 furthermore acted with extreme indifference to Plaintiff's rights, entitling  
 14 Plaintiff to exemplary and punitive damages for this cause of action.

#### 15 FIFTH CAUSE OF ACTION

16 (by Plaintiff for negligent infliction of emotional distress by all Defendants)

17 78. Plaintiff incorporates herein by reference all of the above allegations as if fully  
 18 set forth in paragraphs 1 through 77;

19 79. Defendants had a legal duty to refrain from engaging in and/or condoning,  
 20 and/or encouraging sexual harassment on a quid pro quo basis and on a hostile  
 21 environment basis and from engaging in discrimination and intentional infliction  
 22 of emotional distress and the negligent infliction of emotional distress, using  
 23 perversions of the State court system apparently willing to cooperate because  
 24 Plaintiff's handicaps signaled Plaintiff would be an easy mark against which to  
 25 discriminate by applying different statutes and rules and ethics to her. Each had

1 a duty to act as a checks and balance against one another's incompetency or  
2 scheme to defraud Plaintiff, as well as each had a duty of care to ensure that no  
3 such harm would come to Plaintiff as a result of being a woman living at Senior  
4 Garden Apartments under the control of Ricciardelli's agents, who would then  
5 be covered-up for by court officials, one wearing a black robe in disgrace and  
6 shame, for these officers of the court actually did 'rape' Plaintiff of her rights.  
7 The negligent infliction of emotional distress was exacerbated when Defendants  
8 not only stood around and watched the others commit flagrant violations of the  
9 law, each actively took part in a conspiracy to conceal the acts by perverting the  
10 facts regarding the second bite of the apple, the definition of remand, and the  
11 dates Plaintiff filed the remedial actions. A conspiracy does not require that the  
12 participants know one another (although in this matter, they did), but only that  
13 the end goal is the same, i.e., to oust Plaintiff at any cost because a wealthy  
14 landlord had the money to pay them to evict in spite of the facts and the law.  
15 Defendants, bound under the doctrine of agency, joint conduct, master-servant,  
16 *respondeat superior*, and conspiracy, then subjected Plaintiff to influenced  
17 officers of the court willing to forsake their livelihood and their reputations and  
18 their honor for an unknown quality or quantity that renders them either grossly  
19 negligent or severely incompetent or disgustingly arrogant so that, through this  
20 corrupted checks and balance and the flagrant dishonoring of their code of  
21 ethics, and the besmirching of the sense of honor expected of them, Defendants  
22 would have successfully caused sexual, psychological and emotional harm to  
23 Plaintiff.

24 80. As the direct and proximate result of the above-cited wrongful conduct  
25 allegations, Plaintiff has suffered damages which are substantial and continuing.

**SIXTH CAUSE OF ACTION**

(by Plaintiff for Slander/Defamation by Defendants Ramirez, R. Ricciardelli, Kania,  
and Newmark)

81. Plaintiff incorporates herein by reference all of the above allegations as if fully  
set forth in paragraphs 1 through 80..

82. On several occasions on and after Plaintiff moved to the next building to escape  
Ramirez's actions, which Plaintiff never told anyone the real reason for, not even  
her best friend, but which Ramirez appeared to 'sense' via Ramirez's remark that  
Plaintiff was not getting repairs due to leaving his "harem," on June 1, 2016,  
Ramirez maliciously and willfully, defamed Plaintiff by making statements which  
Ramirez knew to be false, to R. Ricciardelli, including but not limited to the theft  
of the space heater, the demand for a new ceiling fan which Plaintiff never  
made, the broken drawers and oven knobs, and overloading the circuits to make  
the electricity go out when Ramirez deliberately shorted the wires to compel  
Plaintiff to sit in the dark, all to induce R. Ricciardelli into evicting Plaintiff. These  
statements were made with the intent and certain knowledge that they would  
be repeated in the court actions filed by R. Ricciardelli, and used by Kania and  
Newmark to belittle Plaintiff as too old and stupid to know how to operate a  
ceiling fan and oven during the broiling process. The fact that these comments  
induced two judges to grant summary judgment instead of granting Plaintiff the  
right to be heard in the injunctive relief and declaratory judgment action, and  
the fact that these remarks are part of a public record accessible by the public,  
defame Plaintiff whose reputation as an instructor in the basis of the legal  
system, i.e., honor and dishonor, as the method to protect their rights, has been  
tainted.

1 83. Such statements by Ramirez influence R. Ricciardelli and his agents to judges,  
2 characterized Plaintiff as a liar and as being unable to protect her own rights,  
3 destroying her credibility as an instructor in this very field, and damaged her  
4 good name, character, and reputation.

5 84. Defendant Ramirez's statements to two handymen Plaintiff befriended, likewise  
6 maliciously and willfully defamed Plaintiff and damaged her good name,  
7 character and reputation, which handyman Hernandez claimed were so "vile"  
8 Hernandez could not repeat them, may be the reason Plaintiff lost several  
9 witnesses to Ramirez's actions, including Hernandez and Marsha and Donald  
10 McGee, although R. Ricciardelli's forcible eviction of Plaintiff at any cost makes it  
11 clear that Ricciardelli relied on Ramirez's representation of Plaintiff's being the  
12 one who 'damaged' Ricciardelli's property.

13 85. That Ramirez knew these statements were false is confirmed by the concealment  
14 of the true reason R. Ricciardelli had to find two attorneys willing to violate the  
15 law and besmirch Plaintiff in front of judges in open court, for if the evidence  
16 established Ramirez's accusations and "vile" name-calling had an ounce of truth,  
17 Ricciardelli would have attempted to evict Plaintiff much sooner and on more  
18 solid grounds than "no cause." Ricciardelli never raised any issue to Plaintiff  
19 regarding Plaintiff destroying Ricciardelli's property which is why Ricciardelli  
20 used the 'no cause' first claim.

21 86. Defendants had a legal duty to refrain from besmirching Plaintiff, and  
22 perpetuating Ramirez's false remarks that Plaintiff broke the ceiling fan, the oven  
23 knob, the breakers which cut the electricity, and that Plaintiff did not know how  
24 to use an air conditioner or an oven for broiling. Ramirez's remarks prompted R.  
25 Ricciardelli to evict, and Ricciardelli's repeating of the slander to Kania and

1 Newmark carried over into two courtrooms, where, as the transcripts will show,  
2 Kania and Newmark stated unequivocally, as 'believable' officers of the court,  
3 that Plaintiff did not know how to use the air conditioner and tried to bake with  
4 the oven door open, resulting in the eviction of Plaintiff by Ricciardelli, Kania and  
5 Brown through the Star Chambers 'secret' unnoticed hearing, when Brown and  
6 Kania saw in the record that Plaintiff attempted to determine if broiling with the  
7 oven door slightly open, as Plaintiff had done for fifty years, was appropriate per  
8 the owner's manual. Prejudicing the judge in the injunction action and the  
9 declaratory judgment action by making Plaintiff appear too old and stupid to  
10 know how to use these appliances was exacerbated by Kania and Newark's  
11 assertions that Plaintiff was appealing an appellate court order 'upholding' the  
12 eviction, when, the record clearly establishes that the matter was 'remanded' for  
13 further proceedings and both actions were filed in September while the  
14 appellate ruling issued in October. Plaintiff 'lost' both actions by those two  
15 judges granting 'summary judgment' in spite of the facts and the law, and  
16 regardless of the denial of due process which silenced Plaintiff from enjoining a  
17 void judgment and collecting evidence that Brown ruled on a fact in the second  
18 action, notwithstanding the fact that the second judgment was null and void *ab*  
19 *initio*. While Plaintiff has reservations about how or why these two judges would  
20 fall for such absurd arguments, the fact remains that Plaintiff was deprived of  
21 her 'remanded' hearing and a remedy via injunctive relief and declaratory  
22 judgment on the issue of hostile environment precluding payments of rent.

23 87. As the direct and proximate result of the above-cited allegations establishing  
24 wrongful conduct regarding the slanderous remarks, Plaintiff has suffered  
25 damages which are substantial and continuing as Plaintiff has not achieved a



1 remedy in the Clark County District Court where Kania and Newmark operate  
2 and obstruct justice.

3 COUNT VII (A)  
4 DEPRIVATION OF CONSTITUTIONAL RIGHTS AND PRIVILEGES  
(42 U.S.C. § 1983)

5 88. Plaintiff incorporates by reference paragraphs 1 through 87.

6 89. Plaintiff is entitled to the equal protection of the laws under the Fourteenth  
7 Amendment of the United States Constitution, as well as freedom from  
8 oppressive acts to quell Plaintiff's speaking out to petition for redress via  
9 retaliatory eviction and slander inside a courtroom, illegal seizure of property  
10 rights under color of law and due process of law under the First, Fourth, Fifth  
11 and Fourteenth Amendments of the United States Constitution.  
12

13 90. Defendants R. Ricciardelli and Kania and Newmark as officers of the court,  
14 acting under color of state law, discriminated against Plaintiff because of her  
15 gender by encouraging and covering up the sexually harassment and assaults by  
16 Ramirez on January 10, 2016, and thereafter through perverted  
17 misrepresentations to two judges in open court and on the very public record of  
18 the transcripts (accessible by any party wanting to put the information on the  
19 Internet), and this deprived Plaintiff of her right to equal protection of the law.  
20 The deliberate perversions and the abuse of the courts has a chilling effect on  
21 the entire nation, and Plaintiff suffers from the betrayal of those with oaths of  
22 office who either perpetrated or 'bought' the stories regarding who actually  
23 'took the second bite of the apple,' for as the transcript in the case Newmark  
24  
25

1 defended, the judge was so enthralled or enticed by Newmark that he made the  
2 ridiculous comment "You've (plaintiff) just given me the reason to rule against  
3 you. You cannot take a ruling from one court into another court action to use it  
4 there," which befuddled Plaintiff to the point of choking up since the entire  
5 purpose of a declaratory judgment action is to discover the adverse party's  
6 interpretation of a law and use its 'accuracy' in a claim elsewhere, not to  
7 mention why law books are replete with case cites and opinions that are carried  
8 into other actions in memorandum of points and authorities. Recovering from a  
9 lengthy barrage of inane 'Wonderland-like' non-sequiturs becomes the  
10 equivalent of stumbling through a mind-field of the mind to anyone who knows  
11 the basics of the law, as evidenced by the embarrassment, humiliation,  
12 emotional distress, horror, and grief these falsifications and patently absurd  
13 accusations caused Plaintiff standing before judges while being made to look like  
14 a fool.  
15

16  
17 91. Further, R. Ricciardelli continued personally, and through agents, to impose a  
18 hostile living environment on Plaintiff in which she feared the loss of her privacy  
19 and right to her own body and the possible adverse eviction actions against her,  
20 including filing two actions in the same court for the same claim which is  
21 precluded by Nevada law, using biased and discriminatory court processes to  
22 silence Plaintiff and falsifying court records to cover up the legitimate remand by  
23 the appeals court who intended to ameliorate the unjust 'secret' star chambers  
24 hearing perpetrated by Ricciardelli, Kania and Brown. As described above she  
25

1 was placed in a category separate from other tenants in that she was actually  
2 subjected to hostility by her superiors, which deprived her of an opportunity to  
3 retain property rightfully hers in order that Defendants could avoid the penalties  
4 which accompany violating NRS §§118.010, 118.020, and 118.540, making this  
5 the equivalent of a racketeering scheme to use a crime to cover up a crime.  
6 Plaintiff suffered by being deprived of the opportunity to enforce legislatively-  
7 enacted law intended for her protection, as well as an economic deprivation  
8 being thrown into the streets from a furnished apartment into an unfurnished  
9 apartment after 30 days of paying exorbitant fees to 'group homes' who take  
10 advantage of homeless and handicapped people.  
11

12 92. Plaintiff, as a citizen and Nevada state inhabitant, was entitled to due process  
13 protection of freedom from an arbitrary action which jeopardized her property  
14 interest in her rented apartment (notwithstanding the habitability issues Plaintiff  
15 raised) in that she should not have been subjected arbitrarily to the fear of losing  
16 her home or of having to provide sex to the handyman as a quid pro quo for  
17 keeping the job. Further, Plaintiff should not have been subjected arbitrarily to  
18 the fear of losing the enjoyment of a proper and pleasant living environment, or  
19 to other adverse actions which she feared and which deprived her of the proper  
20 enjoyment and efficiency of her handicap-accessible home, or, suffer the  
21 degradation of 'arguing' against 'learned' attorneys who used every opportunity  
22 to malign Plaintiff to judges in open court and on the record in order to besmirch  
23 Plaintiff as an irresponsible "old lady who doesn't know how to use an air  
24  
25

1 conditioner or oven' in order to establish the presumption that an officer of the  
2 court is more credible than an unrepresented party. Defendants' actions  
3 deprived Plaintiff of her due process liberty and property interests guaranteed to  
4 her by the Constitution of the United States.

5 93. The above-described wrongful actions of Kania and Newmark were undertaken  
6 when they were acting under the color of state law, as officers of the court, and  
7 said actions deprived Plaintiff of federal equal protection and due process rights  
8 guaranteed by the First, Fourth, Fifth and Fourteenth Amendments of the United  
9 States Constitution, and made actionable by 42 U.S.C. § 1983 (The Civil Rights  
10 Act).  
11

12  
13 **COUNT VII (B)**  
14 **CONSPIRACY TO DEPRIVE PERSONS OF EQUAL PROTECTION OF THE LAWS**  
15 **(42 U.S.C. § 1985)**

16 94. Plaintiff incorporates by reference paragraphs 1 through 93 as if fully set forth  
17 herein.

18 95. R. Ricciardelli conspired with his two attorneys, including with Defendants Kania  
19 and Newmark, and perhaps with others behind the scenes such as Brown  
20 through Kania, to deprive Plaintiff of equal protection of the laws and of equal  
21 privileges and immunities under the laws, as further set forth in all Counts set  
22 forth above.

23 96. Each conspirator, ergo, Ramirez, R. Ricciardelli, Kania, and Newmark, committed  
24 some acts in furtherance of the conspiracy which included covering up the  
25 mandate which prohibits retaliatory eviction, filing a second unlawful action for

1 the same claim, concealing Brown's alteration of Plaintiff's motion for a  
2 continuance, filing a false document into a court of law stating the "motion as  
3 filed herein" was approved when Brown changed the date; filing a fraudulent  
4 order into the court record claiming a Motion for Telephonic appearance was  
5 approved to conceal the fact Brown changed the hearing date in order to  
6 redirect Plaintiff's focus from the altered motion, conducting a secret hearing,  
7 and refusing to obey the appellate court's order remanding the action. The  
8 cover-up extended to Plaintiff's two other actions, both filed September 27,  
9 2017, where Kania and Newmark pushed the false narrative that Plaintiff filed  
10 the actions as an objection to the appellate decision, while Kania and Newmark  
11 knew the further proceedings would have provided the due process hearing  
12 Plaintiff was denied. The cover up also included misrepresenting that Plaintiff  
13 did not like the remand from the appellate court, that Brown's ruling was upheld  
14 when remand does not indicate that definition, and that Plaintiff knew on  
15 September 27<sup>th</sup> what the ruling would be on October 19<sup>th</sup>, defaming Plaintiff as a  
16 bumble-head 'pro se' who did not understand the law or her rights. Kania and  
17 Newmark finagled their way to depriving Plaintiff of being heard in the injunctive  
18 relief action and the declaratory judgment action through the gross  
19 misrepresentations of the facts and the law, denying Plaintiff due process and  
20 equal protection under the law.

21  
22  
23  
24 97. As a result of the conspiracy, Plaintiff was injured by Defendants' wrongful acts  
25 in her person and property and deprived of having and exercising her rights and

1 privileges as a citizen of the United States, as is more fully set forth in the above  
2 Counts.

3 98. Defendants had a legal duty to protect Plaintiff's rights, including R. Ricciardelli,  
4 M.A. Ricciardelli, the Ricciardelli Family Trust, and Senior Garden Apartments,  
5 since, as landlords renting to the public under the laws of the State of Nevada  
6 and the Fair Housing Act, each is required to prevent discrimination and play by  
7 the standards of fair play regarding due process.

8 99. Defendants Brown, Kania, and, Newmark are bound by sacred oaths of office to  
9 uphold the Constitutions of the State of Nevada and the United States, and have  
10 perverted that oath to conspire with Ricciardelli to deprive Plaintiff of due  
11 process, property rights via illegal seizure through abuse of court process, and,  
12 equal protection under the law. The reckless disregard for the law is  
13 exacerbated by the fact that these three attorneys know the law, yet conspired  
14 with Ricciardelli to alter Plaintiff's motion, misname the motion actually  
15 'approved', file a falsified document into a legal court record, and, conduct a  
16 secret hearing without correcting the error after receiving a remand from the  
17 appellate court.

18 100. The machinations used to trick and defraud Plaintiff are odious and  
19 despicable wrongful acts when committed by officers of the court who are sworn  
20 to protect all litigants, not just their clients, and had only one purpose and that  
21 was to thwart the law which Defendants believed was going to be easy going  
22 against an elderly, partially blind, crippled WOMAN whom they may have  
23 believed should have been flattered by Ramirez's unwanted advances.  
24 Obviously men who have to rely on coercion to get sexual favors cannot  
25

1 comprehend either the sanctity of Plaintiff's vow of chastity or the permanent  
2 demeaning of Plaintiff's proposed status as a sex slave.

3 101. The Constitutional deprivations by Defendants are the proximate cause  
4 of damage to Plaintiff.

5 COUNT VIII

6 NEVADA CONSTITUTIONAL DEPRIVATIONS

7 102. Plaintiff's rights under the Nevada Constitution, at Article 1, section 8,  
8 were violated by Defendants who deprived Plaintiff of the right to free speech by  
9 chilling Plaintiff's petition for redress from landlord and HUD, the right to  
10 possess property in the form of a lease which, along with State law, requires a  
11 landlord to maintain a habitable premise, the right to due process which  
12 precludes ignoring a remand from an appellate court, filing summary judgment  
13 defenses as a way of depriving Plaintiff of injunctive or declaratory relief through  
14 the fraudulent representation of the facts and the law, and, denying equal  
15 protection under the law by officers of the court.

16 103. Defendants' violation of the right to petition for redress by speaking out  
17 against sexual harassment, the right to possess property rights and demand  
18 repairs without surrendering her body as payment, the right to due process of  
19 law without abuse and perversion of the court system, and, the right to equal  
20 protection under the law are the proximate cause of damage to Plaintiff.

21 COUNT IX

22 NEVADA REVISED STATUTE AT § 118.010, 118, 020, AND 118.540

23 104. Plaintiff spelled out clearly in Plaintiff's action for injunctive relief how  
24 Defendants' enforcement of a void judgment deprived Plaintiff of the right to  
25 stand her ground and ensure that the legislatively-enacted law prohibiting

1 retaliatory eviction was upheld and implemented. Instead, Defendants  
2 obstructed and thwarted all legal efforts Plaintiff attempted, thereby desecrating  
3 the law, the intent of the legislature, the authority of the State, and the will of  
4 the people.

5 105. By being forcibly evicted, Plaintiff could not see that the perpetrator of  
6 the sexual harassment was the one to suffer the penalties of his acts, and was  
7 made to pay the price for reporting the actions Plaintiff attempted to escape, in  
8 effect, rendering the law of no effect and sending the message that officers of  
9 the court could decide which laws were to be enforced and which were not.

10 106. These acts are the proximate cause of damage to Plaintiff.

11 **PRAYER FOR RELIEF**

12 **AS TO THE FIRST CAUSE OF ACTION**

13 For (1) compensatory damages, according to proof, including general and special  
14 and (2) for punitive and exemplary damages, in an amount to punish SENIOR  
15 GARDEN APARTMENTS, RUSSELL RICCIARDELLI, AND STEVEN RAMIREZ for their  
16 wrongful conduct and deter future such conduct by SENIOR GARDEN APARTMENTS,  
17 RUSSELL RICCIARDELLI, MARY ALICE RICCIARDELLI, RICCIARDELLI FAMILY TRUST, and  
18 STEVEN RAMIREZ, but not less than \$40,000.00.

19 **AS TO THE SECOND CAUSE OF ACTION**

20 For (1) compensatory damages, according to proof, including general and special  
21 and (2) for punitive and exemplary damages, in an amount to punish SENIOR  
22 GARDEN APARTMENTS, RUSSELL RICCIARDELLI, AND STEVEN RAMIREZ for their  
23 wrongful conduct and deter future such conduct by SENIOR GARDEN APARTMENTS,  
24 RUSSELL RICCIARDELLI, STEVEN RAMIREZ and others, but not less than \$60,000.

25 **AS TO THE THIRD CAUSE OF ACTION**



1 For (1) compensatory damages, according to proof, including general and special  
2 and (2) for punitive and exemplary damages, in an amount to punish SENIOR  
3 GARDEN APARTMENTS, RUSSELL RICCIARDELLI, MARY ALICE RICCIARDELLI,  
4 RICCIARDELLI FAMILY TRUST, and STEVEN RAMIREZ and others, now identified as  
5 Does #1 and 2, EDWARD D. KANIA, ERIC R. NEWMARK , and DAVID F. BROWN for  
6 their wrongful conduct and deter future such conduct by SENIOR GARDEN  
7 APARTMENTS, RUSSELL RICCIARDELLI, MARY ALICE RICCIARDELLI, RICCIARDELLI  
8 FAMILY TRUST, and STEVEN RAMIREZ and others, now identified as Does #1 and 2,  
9 EDWARD D. KANIA, ERIC R. NEWMARK , and DAVID F. BROWN, but not less than  
10 \$10,000.00.

11 AS TO THE FOURTH CAUSE OF ACTION

12 For (1) compensatory damages, according to proof, including general and special  
13 and (2) for punitive and exemplary damages, in an amount to punish SENIOR  
14 GARDEN APARTMENTS, RUSSELL RICCIARDELLI, MARY ALICE RICCIARDELLI,  
15 RICCIARDELLI FAMILY TRUST, and STEVEN RAMIREZ, EDWARD D. KANIA, ERIC R.  
16 NEWMARK , and DAVID F. BROWN for their wrongful conduct and deter future such  
17 conduct by SENIOR GARDEN APARTMENTS, RUSSELL RICCIARDELLI, MARY ALICE  
18 RICCIARDELLI, RICCIARDELLI FAMILY TRUST, and STEVEN RAMIREZ and others, now  
19 identified as Does #1, 2, and #6 EDWARD D. KANIA, ERIC R. NEWMARK , and DAVID  
20 F. BROWN, but not less than \$20,000.00

21 AS TO THE FIFTH CAUSE OF ACTION

22 For (1) compensatory damages, according to proof, including general and special,  
23 but not less than \$20,000.00;

24 AS TO THE SIXTH CAUSE OF ACTION

1 For (1) compensatory damages, according to proof, including general and special,  
2 but not less than \$10,000.00;

3 **AS TO THE SEVENTH CAUSE OF ACTION**

4 For (1) compensatory damages, according to proof, including general and special,  
5 but not less than \$1,000,000.00 for each Constitutional violation found; and

6 **AS TO ALL DAMAGES**

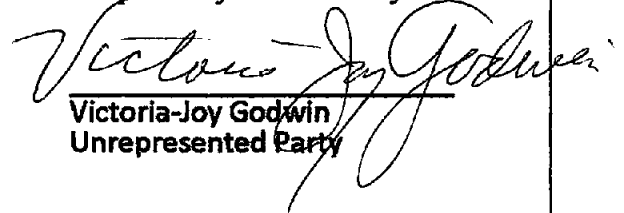
- 7 1- For interest as provided by law;  
8 2- For costs of suit; and,  
9 3- For such further relief as the Court may deem just and proper.

10 **JURY TRIAL REQUESTED BY PLAINTIFF**

11 Plaintiff seeks a jury trial on all counts, with emphasis on the Constitutional  
12 violations.

13 **DATED THIS 16<sup>TH</sup> DAY OF APRIL, AD2018**

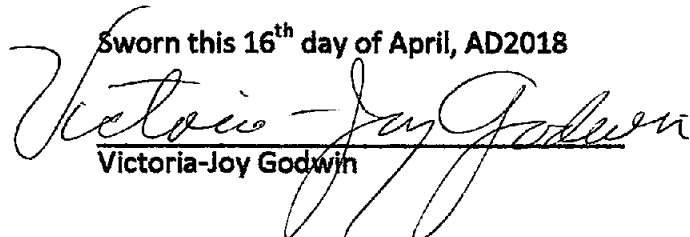
14 Respectfully submitted by:

15   
Victoria-Joy Godwin  
Unrepresented Party

16 **VERIFICATION**

17 The Plaintiff has reviewed the complaint as Amended herein, and is satisfied that  
18 all of the parties identified are necessary parties and that the claims known to Plaintiff  
19 at this time have been included. Regarding the allegations of which Plaintiff has  
20 personal knowledge, the Plaintiff knows or believes them to be true. This verification is  
21 made subject to both the penalties of perjury and Plaintiff's full commercial liability,  
22 that the allegations are true, correct, complete, and not misleading, so help me God.

23 Sworn this 16<sup>th</sup> day of April, AD2018

24   
Victoria-Joy Godwin